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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/803,628 | 03/17/2004 | Shigetoshi Kuwahara | 393032044400 | 5811 |
| 25224 | 7590 | 07/11/2006 | | |
| MORRISON & FOERSTER, LLP 555 WEST FIFTH STREET SUITE 3500 LOS ANGELES, CA 90013-1024 | | | EXAMINER DONELS, JEFFREY | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2837 | |

DATE MAILED: 07/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/803,628

Applicant(s)

KUWAHARA ET AL.

Examiner

Jeffrey Donels

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 20060619.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being fully met by Suzuki (JP-08-083063).

Suzuki discloses a keyboard musical instrument that comprises a cover unit that includes a front cover and a rear cover each having a front end and a rear end 12,13, said front cover and said rear cover being disposed such that said front cover and said rear cover are arranged in forward and rearward directions when said cover unit is in a closed state (Fig. 2), and a hinge device 16 pivotally connecting said front cover and said rear cover such that said cover unit lays open a space above said keyboard when said cover unit is in an open state where said front cover and said rear cover are folded; a musical tone generator 9 that generates musical tones; an instrument body that accommodates said keyboard and said musical tone generator, said instrument body including at least one pivotal support member fixed therein, left and right lateral side panels 3, and a topboard 4; and a guide mechanism 12,15 that is provided on said left and right lateral side panels, said guide mechanism supporting said rear cover such that said rear cover is movable in the forward and rearward directions, wherein said rear end of said front cover has a lower part pivotally supported by said pivotal support member,

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said lower part being located below said hinge device 14,17, and wherein said topboard is disposed such that said topboard is below said front end of said front cover when said front cover is in the open state (Fig. 1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2,3,5,10-15,17-21,22,23,28,29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (as applied above) in view of Taguchi et al (USP 4939969).

Suzuki, applied here in a similar manner as to claim 1 above, discloses all features claimed, but does not explicitly disclose at least one functional component having electrical wiring, wherein said functional component is mounted in said front cover such that said functional component has a front face thereof facing toward a player when said cover unit is in the open state.

Taguchi et al discloses a keyboard musical instrument which comprises a functional component having electrical wiring (Fig. 2, 23), wherein said functional component is mounted in said front cover such that said functional component has a front face thereof facing toward a player when said cover unit is in the open state.

It would have been obvious to one of ordinary skill in the art to adapt the teachings of Suzuki with those of Taguchi, so as to allow for control of a tone generator in an electronic piano such as Suzuki.

Claims 4,16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki in view of Taguchi et al as applied to claim 2 above, and further in view of Takahashi (USPGP 2002/0017187).

The Suzuki/Taguchi combination above discloses all features claimed, but does not explicitly disclose a loudspeaker built in the front cover.

Takahashi et al discloses an electronic musical instrument which comprises a loudspeaker 133 built in front cover 220.

It would have been obvious to one of ordinary skill in the art to adapt the Suzuki/Taguchi combination with the Takahashi et al teachings, so as to allow for easier and more direct hearing of the music being played.

Claims 6,24,25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki in view of Day (USP 2554665).

Regarding Claim 6, Suzuki (applied here in a similar manner as to Claim 1 above) discloses all features claimed, but does not explicitly disclose that the rear cover has a rear end thereof pivotally supported by the one end of said link member such that said rear cover pivotally moves about the one end when said cover unit is pivotally moved about said hinge device and said pivotal support members into the open state or

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into the closed state, the other end of said link member being supported by said instrument body in a vicinity of the lower surface of said topboard.

Day discloses a fall board mechanism which comprises a rear cover having a rear end thereof pivotally supported by the one end of said link member 16,17,18 such that said rear cover pivotally moves about the one end when said cover unit is pivotally moved about said hinge device and said pivotal support members into the open state or into the closed state (Fig. 1), the other end of said link member 20 being supported by said instrument body in a vicinity of the lower surface of said topboard 20-23.

It would have been obvious to one of ordinary skill in the art to adapt the teachings of Suzuki with those of Day, as the Day cover solution is functionally equivalent to that of the Suzuki teachings.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki in view of Japanese Pub No. 2002-62865.

Suzuki (applied here in a similar manner as to Claim 1 above) discloses all features claimed, but does not disclose a load reducing device comprising a resilient member as recited.

Japanese Pub. No. 2002-62865 ('865) discloses an electronic keyboard instrument which comprises (Fig. 9) a a load reducing device comprising a resilient member 67.

It would have been obvious to one of ordinary skill in the art to adapt the teachings of Suzuki with those of '865, as it is well-known in the art to use such resilient members or springs to avoid sudden movements of closing covers or doors.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki in view of Taguchi as applied to claim 3 above, and further in view of Day.

Regarding Claim 8, Day is applied to the Suzuki/Taguchi combination in a similar manner as to Claim 6 above.

Claims 26,27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki in view of Taguchi as applied to claim 2 above, and further in view of Japanese Pub. No. 2002-62865.

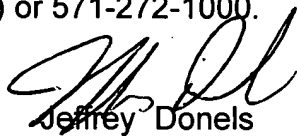
Regarding Claims 26 and 27, the '865 reference is applied in a similar manner to the Suzuki/Taguchi combination as to claim 7.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey Donels whose telephone number is 571-272-2061. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lincoln Donovan can be reached on 571-272-2800 ext 37. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jeffrey Donels
Primary Examiner
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